

REMARKS

In this Amendment, claims 1-3 have been amended and claims 15-17 have been added. No new matter has been added.

In the Office Action dated April 1, 2009, the Examiner issued a restriction requirement, asserting that the present application lacks unity of invention under PCT rule 13.1, and contains claims directed to the following distinct inventions:

Use of Compounds of Independent Claim 1

- Group (1), claim(s) 1 and 4 (all in part), drawn to use of compounds as set forth in independent claim 1 wherein one of A, S, D, or E is a nitrogen atom.
- Group (2), claim(s) 1 and 4 (all in part), drawn to use of compounds as set forth in independent claim 1 wherein two of A, S, D, or E are nitrogen atoms.

Use of Compounds of Independent Claim 2

- Group (3), claim(s) 2 and 4 (all in part), drawn to use of compounds as set forth in independent claim 2 wherein the six-membered ring containing A has one nitrogen atom.
- Group (4), claim(s) 2 and 4 (all in part), drawn to use of compounds as set forth in independent claim 2 wherein the six-membered ring containing A has two nitrogen atoms.

Use of Compounds of Independent Claim 3

- Group (5), claim(s) 3 and 4 (all in part), drawn to use of compounds as set forth in independent claim 3 wherein the six-membered ring containing A has one nitrogen atom.
- Group (6), claim(s) 3 and 4 (all in part), drawn to use of compounds as set forth in independent claim 3 wherein the six-membered ring containing A has two nitrogen atoms.

Compounds of Independent Claim 5

- Group (7), claim(s) 5, 8, and 11 (all in part), drawn to compounds as set forth in independent claim 5 wherein one of A, B, D, or E is a nitrogen atom.

Group (8), claim(s) 5, 8, and 11 (all in part), drawn to compounds as set forth in independent claim 5 wherein two of A, B, D, or E are nitrogen atoms.

Compounds of Independent Claim 6

Group (9), claim(s) 6, 9, and 11 (all in part), drawn to compounds as set forth in independent claim 6 wherein the six-membered ring containing A has one nitrogen atom.

Group (10), claim(s) 6, 9, and 11 (all in part), drawn to compounds as set forth in independent claim 6 wherein the six-membered ring containing A has two nitrogen atoms.

Compounds of Independent Claim 7

Group (11), claim(s) 7 and 10 (all in part), drawn to compounds as set forth in independent claim 7 wherein the six-membered ring containing A has one nitrogen atom.

Group (12), claim(s) 7 and 10 (all in part), drawn to compounds as set forth in independent claim 7 wherein the six-membered ring containing A has two nitrogen atoms.

Method of Preparing Compounds as set forth in Claim 12¹

Group (13), claim(s) 12 (in part), drawn to a method of preparing the compounds of Group (7) above.

Group (14), claim(s) 12 (in part), drawn to a method of preparing the compounds of Group (8) above.

Method of Preparing Compounds as set forth in Claim 13²

Group (21), claim(s) 13 (in part), drawn to a method of preparing the compounds of Group (9) above.

Group (22), claim(s) 13 (in part), drawn to a method of preparing the compounds of Group (10) above.

Method of Preparing Compounds as set forth in Claim 14

Group (25), claim(s) 14 (in part), drawn to a method of preparing the compounds of Group (11) above.

Group (26), claim(s) 14 (in part), drawn to a method of preparing the compounds of Group (12) above.

¹ During a telephone conference on April 13, 2009, the Examiner agreed that Groups 15-18 were improperly included and should be deleted.

² During a telephone conference on April 13, 2009, the Examiner agreed that Groups 19-20 and 23-24 were improperly included and should be deleted.

A restriction requirement has been imposed requiring election of one of the groups on the alleged basis that the above-identified groups are distinct from each other. Accordingly, the Applicant elects Group (7), drawn to compounds as set forth in independent claim 5 wherein one of A, B, D, or E is a nitrogen atom, with traverse. Upon allowance of claims of Group (7), rejoinder of Groups (1) and (13) is respectfully requested.

Additionally, the Examiner has required election of a single disclosed species. Specifically, the Examiner requires election of a specific compound, and election of a disease or condition being monitored or diagnosed. Accordingly, the Applicant elects 5-chloro-7-[¹²³I]iodo-8-hydroxyquinoline as a compound, and Alzheimer's disease as a disease or condition, with traverse.

The basis of our traversal is that the claims at issue do in fact contain unity of invention as defined in PCT Rule 13.2, quoted below:

13.2 Circumstances in Which the Requirement of Unity of Invention Is to Be Considered Fulfilled

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

In the instant case, the special technical feature at issue lies in compounds having the general formula

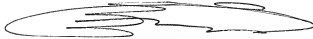


and metal complexes thereof. Under 37 CFR 1.475(b), “[a]n international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:... (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product...” In the instant application, the claims are directed to (a) compounds having the above formula and/or metal complexes thereof (a product claimed in claims 5-11); (b) a method of preparing these compounds (a process of manufacture claimed in claims 12-14); and (c) a use of these compounds in the preparation of a composition for diagnosis and/or monitoring of diseases (a use claimed in claims 1-4). Accordingly, it is submitted that the claims of the current application do in fact possess unity of invention. Therefore, the requirement for restriction should be withdrawn.

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If the fees submitted prove insufficient, the Office is hereby authorized to charge any additional fees, or credit any overpayments, to our Deposit Account Number 50-0578.

Respectfully submitted,
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Date

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